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10/551,504	05/12/2006	Hiroyuki Tsunoda	14875-153US C1-A0320Y2P-U	8020
26161	7590	06/27/2008	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			SPECTOR, LORRAINE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**DETAILED ACTION**

Prior to setting forth the restriction and species election requirements, it is noted that claims 16-31 define antibodies only by one or more CDR regions, and/or framework regions. As these claims do not specify any specific activity of the antibodies being claimed, it could not be determined in which, if any, restriction grouping they should be placed. Accordingly, they remain ungrouped, but are the subject of a species election requirement, see below. In response to this requirement, applicants are required to not only make an election in response to each of the restriction and species election requirement, but are further required to clearly and distinctly point out which claims read upon the elected species. Further, applicants are required to disclose to which of the inventions the elected species belongs.

***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, 11, 12, 33 and 38, drawn to anti-MPL single chain antibodies.

Group II, claim(s) 9 and 10, drawn to antibodies that bind both monkey and human MPL.

Group III, claim(s) 13-15, drawn to anti-TPO antibodies that are not required to be single chain antibodies, which have specific TPO agonist activities.

Group IV, claim 32, drawn to an antibody that "recognizes the region of amino acids 26-275 of human MPL.

Group V, claim(s) 34-37, drawn to nucleic acids.

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The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Single chain antibodies that bind the MPL receptor are not an advance over the prior art; see WO02/33072, cited in the international search report. Accordingly, unity of invention is lacking.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

An antibody is comprised of six (6) CDR regions, as well as framework regions for each of the heavy and light chains. In claims 16-31, antibodies are claimed by incomplete sets of sequences (one or more CDR without specification of the rest of the antibody, or specification only of the framework regions, etc.) Each individual antibody, comprising six CDRs, heavy and light chains, including specified variable and framework regions, constitutes an individual species.

Applicant is required, in reply to this action, to elect a single ultimate species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Should applicants wish to argue that multiple of claims 16-31 read on the same ultimate species, they are required to provide an explanation, preferably including alignments, to support their arguments.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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The claims are deemed to correspond to the species listed above in the following manner:

Cannot be determined.

The following claim(s) are generic: Cannot be determined.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Each species specifies one or more specific amino acid sequences. No individual sequences is disclosed to be related to the others by a common structure associated with a common function. Further, it cannot be said at this time that any sequence would be applicable as prior art against any other.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector. Dr. Spector can normally be reached Monday through Friday, 9:00 A.M. to 3:00 P.M. at telephone number 571-272-0893.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's supervisor, Dr. Manjunath Rao, at telephone number 571-272-0939.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. **NO DUPLICATE COPIES SHOULD BE SUBMITTED** so as to avoid the processing of duplicate papers in the Office.

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Official papers filed by fax should be directed to **571-273-8300**. Faxed draft or informal communications with the examiner should be directed to **571-273-0893**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lorraine Spector/ , Ph.D.  
Primary Examiner  
Art Unit 1647